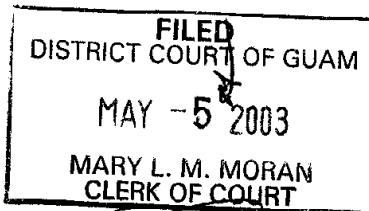


1 Tony Ashtiani , pro Se
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2 Tamuning Guam 96931
(671) 688-4844
3 (671) 653-5575

4 Attorney for Defendants
Mr. David Ledger
5 Ms. Elyze McDonald



6 DISTRICT COURT OF GUAM
7 TERRITORY OF GUAM
8

9 Tony H. Ashtiani,) Case No.: Civil No. 02-00032
10 Plaintiff,)
11 vs.) Pleading to defendants' counsel
12 Continenetal Micronesia) of future communications in
13 Inc,dba, Continental Micronesia) reasonable time and good faith.
14 , Continental Airlines ,)
15 Defendant)

16
17
18 In pursuant to rule 16 and 26(f) of federal rules and
19 local rules 16.1 for the district Court of Guam, plaintiff had
20 notified defendents' counsel of LR 16.1 (initial communication)
21 On April 16, 2003, Exhibit A. Plaintiff was not contacted thus
22 took the lead in Scheduling notice and discovery plan and filed
23 it with the Court on April 22, 2003. EXHIBIT B. Plaintiff again
24 had contacted Carl smith Ball Law firm, and again had left a
25 message on April 28, 2003 as the dead line was approaching. It

ORIGINAL

1 was not until April 29, 2003 when plaintiff was contacted and
2 was asked to meet at 14:30 which was later moved to 16:00 by the
3 defense counsel, plaintiff notes this date and time was one day
4 before the dead line and 1 hour prior to the end of the business
5 day. While plaintiff in good faith had asked and reminded that
6 "the defendant shall contact the plaintiff and arrange to comply
7 with this rule in the appropriate time frame.") REF; (LR 16.1)

8
9 Plaintiff feels that an intentional delay by defense counsels
10 was at play and plaintiff was cornered into a dispute and
11 limited procedural mechanism left to right the wrongs.

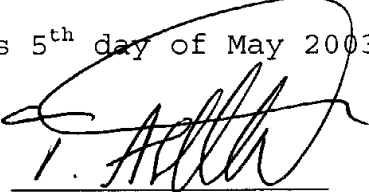
12
13 Plaintiff had approached the scheduling notice and discovery
14 plan with a clean hand and good faith with his filing on April
15 16, 2003. And April 22, 2003, and wants to be in good start with
16 opposing counsels and certainly wishes to be the friend of the
17 Court by timely filings and complying with all the rules to best
18 of his comprehension ability of the legal terms and languages.

19
20 Plaintiff wants to tighten up the loose ends and only deal with
21 one defense counsel of the record as the lead counsel can have
22 as many co counsels as they wish to have present during hearings
23 and trial, but plaintiff wants to only communicate with one
24 counsel of the record to prevent any he said she said "here say"
25 theories in the later proceedings

1 Plaintiff reminds the opposing counsels of Fed R Civ P. RULE 11
2 in regards to the Defendants answer to the amended complaint as
3 plaintiff provided factual document signed by the defendants'
4 senior attorney covering-up discrimination, accordingly despite
5 the smoking gun there is a thick cloud of smoke dissipating from
6 the gun. Plaintiff has no obligation in signing any piece of
7 document that is not within the scope of nature of the case and
8 in particularly which states "defendant has answered and denied
9 the allegations". By signing the (DEFENDNETS' PROPOSED
10 SCHEDIULING ORDER AND DISCOVERY PLAN) it would bind the
11 plaintiff in agreeing and accepting the contents of such terms
12 in the document. Plaintiff had reviewed two similar such filings
13 by two separate law firms on Guam in two different cases and
14 none of them did contain such language and terms in them at all.

15
16 Plaintiff pleads to the defense counsel to act expeditiously in
17 future meetings, which would allow both parties to work out
18 their differences and resolve their dispute in timely fashion,
19 rather than presenting DISAGREEMENT OF SCHEDULING ORDER AND
20 DISCOVERY PLAN filing to the court.

21 Dated this 5th day of May 2003

22 
23

24 Tony H. Ashtiani
25

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Attorneys for defendant
Carlsmith Ball LLP
Mr David Ledger
Ms Elyze McDonald

FILED
DISTRICT COURT OF GUAM
APR 16 2003
MARY L. M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

Tony H. Ashtiani,)	Case No.: No. 02-00032
)	
Plaintiff,)	
)	
vs.)	Initial Communication
)	
Continenetal Micronesia)	
)	LOCAL RULE 16.1
Inc,dba, Continental micronesia)	
)	
, Continental Airlines ,)	
)	
Defendant)	
)	

In pursuant to Local rule (LR 16.1) Plaintiff had served the defendants Scheduling notice On Jan 09, 2003 with summons and the complaint. The defendants' counsels has not yet made the initial communication as per LR 16.1 (C) (2) ("In the event that the plaintiff is proceeding Pro Se, the defendant shall contact the plaintiff and arrange to comply with this Rule in the appropriate time frame.")

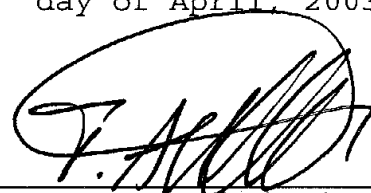
CARLSMITH BALL

Date: 4-16-03
Time: 12:02 pm By: JRT

- 1

1 Plaintiff once again serves the defendants with **scheduling**
2 **notice** attached, and also recent **ORDER** by the Court which
3 defendants is also in possession of, as a precautionary measure
4 plaintiff also have attached such ORDER and presented to the
5 counsels of the record.

6
7
8
9 dated this 16th day of April, 2003

10
11 
12 Tony H. Ashtiani

FILED
DISTRICT COURT OF GUAM
DEC 26 2002
MARY L. M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

TONY H. ASHTIANI,
Plaintiff,

vs.

CONTINENTAL MICRONESIA, INC., dba
CONTINENTAL MICRONESIA, and
CONTINENTAL AIRLINES, INC.,
Defendants.

Civil Case No. 02-00032

SCHEDULING NOTICE

TONY ASHTIANI, Pro Se
P.O. Box 12723
Tamuning, GU 96931

The Local Rules establish procedures for complying with Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure. Counsel should study the Local Rules before attempting to process cases in this Court.

Pursuant to Local Rules 16.1 and 16.2, it is hereby ORDERED that:

1. Counsel of record and all pro se litigants that have appeared in the case must meet and confer, within fifteen (15) days after receipt of this Notice, but no later than sixty (60) days after the filing of the complaint, prior to commencing discovery.

2. A proposed Scheduling Order and a proposed Discovery Plan shall be filed on or before the 28th day of January, 2003. Careful and immediate attention should be given to the directions in Local Rules 16.1 and 16.2 to ensure complete and timely compliance

1 with Federal Rules 16(b) and 26(f), and Local Rules.

2 3. Plaintiffs' counsel, or if the plaintiff is pro se, then the pro se plaintiff,
3 must take the lead in the preparation of the Scheduling Order. If a defendant is not contacted by
4 a pro se plaintiff within the required time frame, the defendant's counsel shall contact the pro se
5 plaintiff and arrange a meeting to comply with this Rule in the appropriate time frame. The
6 failure of a party or its counsel to participate in good faith in the framing of a Scheduling Order
7 may result in the imposition of sanctions.

8 4. Counsel of record and all pro se litigants that have appeared in the case
9 are jointly responsible for submitting a Proposed Discovery Plan to the Court.

10 5. A Scheduling Conference shall be held on the 12th of February, 2003 at
11 3:00 p.m.

12 6. Counsel are reminded that:

- 13 a) The filing of motions does not postpone discovery.
- 14 b) Local Rule 37.1 governs discovery disputes and motions.
- 15 c) The number and form of interrogatories are governed by Local
16 Rule 33.1.
- 17 d) Discovery documents and certificates of service shall not be filed
18 with the Clerk until there is a proceeding in which the document
19 or proof of service is in issue.

20
21 Dated: December 26, 2002

MARY L. M. MORAN
Clerk of Court

22
23 By: 
24 Deputy Clerk
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26

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FILED
DISTRICT COURT OF GUAM
APR 11 2003
MARY L. M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

TONY H. ASHTIANI,

Plaintiff,

vs.

CONTINENTAL MICRONESIA, INC., *et al.*,


Defendants.

Civil Case No. 02-00032

ORDER

Due to the scheduling needs of the Court, the April 30, 2003 Scheduling Conference is hereby moved to Wednesday, May 7, 2003 at 3:30 p.m. The parties shall submit the proposed discovery plan and scheduling order by Wednesday, April 30, 2003.

SO ORDERED this 11th day of April, 2003.



JOHN S. UNPINGCO
District Judge

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Attorneys for Defendants
Carlsmith Ball LLP
Mr. David Ledger
Ms. Elyze McDonald

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

Tony H. Ashtiani,)	
)	CIVIL CASE
Plaintiff,)	
)	NO.: 02-00032
Vs.)	
)	
Continenetal Micronesia Inc,)	
)	Scheduling Order and
dba, Continental Micronesia,)	Discovery Plan.
)	
Continental Airlines.)	
)	
Defendant)	

Pursuant to rules 16 and 26(f) of the civil procedure, and local rule 16.1 for the District of Guam, the plaintiff hereby submit the following Scheduling Order and Discovery Plan:

1. The nature of the case is as follows:

Plaintiff alleges wrongful termination, breach of contract, based on race, national origin, intentional discrimination,

CARLSMITH BALL

Date: 5/5/03 By: EM PAGE 1 OF 5 CV 02-00032

1 intentional retaliation, violation of federal statute of
2 F.M.L.A. and sales of fraudulent insurance policies. Plaintiff
3 is one of the key witnesses of this malice act, which will be
4 revealed in the discovery and depositions.

5 2.The posture of the case is as follows:

6 A) The following motions are on file:

7 (1) Motion to seize investigation, intimidation,
8 harassment, and blackmail, by the defendant.

9 (2) Amended Motion to seize cover-up in postal violation
10 of EEOC director in coordinated effort of defendant's
11 counselors in Hawaii and Guam.

12 B) The following Motions have been resolved:

13 None.

14 C) The following Discovery has been initiated.

15 Plaintiff received documents from E.E.O.C, which included
16 responses by the defendants to the investigator.

17 3. All motions to add parties and claims shall be filed on
18 Or before Jun 12, 2003.

19 4. All Motions to amend pleadings shall be filled on or
20 before Jul 09, 2003.

21 5. Status of **Discovery (Plan)** The parties do not at this
22 time anticipate extensive discovery, and do not
23 anticipate any expert witnesses.
24
25

1 A) The times for disclosures Rule under 26(a) and 26(e) of
2 the Federal Rules of Civil Procedures are modified as follows:
3 No modifications.
4

5 B) The following is a description in schedule of all
6 pretrial discovery each party intends to initiate prior to the
7 close of discovery Plaintiff: Request for the production of the
8 Documents. (if needed) Request for admission, deposition of
9 potential witnesses.
10

11 6. The Parties shall appear before the District Court On May
12 07, 2003. 3:30 P.M. (Per Court Order) for the scheduling
13 conference.
14

15 7. The discovery cut off date (defined as last day to file
16 response to discovery) is Oct 1, 2003.
17

18 8. The anticipated Discovery motions are: unknown.

19 a. All discovery motions shall be filed on or before
20 Oct 8, 2003 and heard on or before Oct 17, 2003.

21 b. The anticipated dispositive motions are: possible
22 summary Judgment motions.

23 c. All dispositive motions shall be filled on or before
24 Nov 21, 2003 and heard on or before Dec 10, 2003.
25

1 9. The prospects for settlement are: unknown at this time.

2 10. The Preliminary pretrial conference shall be held on
3 Dec 19, 2003.
4

5 11. The parties' pretrial materials, discovery material,
6 witnesses Lists, designations and exhibit lists shall be filed
7 on or before Jan 16, 2004. (Or date assigned by the court).

8 12. The proposed pretrial order shall be filed on or before
9 Jan 16, 2004.

10 13. The final pretrial Conference shall be held on Nov 21,
11 2003.

12 14. The trial shall be held on Jan 02, 2004.

13 15. The trial is a jury trail.

14 16. Is anticipated will take 4 days to try this case.

15 17. The names of Counsel are: Tony H. Ashtiani Pro Se
16 Plaintiff, Mr. David Ledger and Ms. Elyze McDonald for
17 Continental Micronesia Inc.,

18 18. The parties do wish to submit this to settlement
19 conference.

20 19. The parties present the following suggestions for
21 shortening trial: None.

22 20. The following issues will also affect the status or
23 management of this case:
24 production of documents in pursuant to Fed R Civ P. rule 34.
25

1
2 Dated this ____ day of _____, 2003.
3
4

5
6 _____
7 HONARABALE JOHN S.UNPINGCO
8 CHIEF DISTRICT JUDGE
9

10 Approved as to form and content.
11
12

13 Tony H. Ashtiani

14 Plaintiff pro se
15

16 _____
17 David Ledger

18 Attorney for CMI/CO
19

20 _____
21 Elyze McDonald

22 Attorney for CMI/CO
23
24
25

